

1 THE HONORABLE JOHN H. CHUN
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**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

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9 FEDERAL TRADE COMMISSION, *et al.*,
10 Plaintiffs,
11 v.
12 AMAZON.COM, INC., a corporation,
13 Defendant.
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CASE NO.: 2:23-cv-01495-JHC

**STIPULATED MOTION AND
[PROPOSED] SCHEDULING
ORDER ON AMAZON'S
MOTION TO DISMISS THE
AMENDED COMPLAINT**

NOTE ON MOTION CALENDAR:
Monday, March 18, 2024

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16 The parties, by and through their attorneys of record, respectfully request that the Court
17 enter the proposed order set forth below regarding the briefing schedule for Amazon's motion to
18 dismiss Plaintiff's Amended Complaint.

19 In support of this request, the parties represent the following to the Court:

20 1. On October 23, 2023, the Court issued an Order setting the following deadlines

21 for Amazon's response to the Complaint and related briefing:

22 a. Defendant's answer or motion to dismiss (noted for March 22, 2024):

23 December 8, 2023.

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b. Plaintiffs' response to any motion to dismiss: February 6, 2024.

c. Defendant's reply: March 22, 2024. Dkt. #78.

2. On December 8, 2023, Amazon filed a motion to dismiss the Complaint. Dkt. #127.

3. On February 6, 2024, Plaintiffs filed an opposition to Amazon's motion to dismiss the Complaint. Dkt. #149.

4. On February 13, 2024, the Court issued a Case Scheduling Order setting March 14, 2024 as the deadline to join additional parties. Dkt. #159.

5. Pursuant to the Case Scheduling Order, Plaintiffs filed an Amended Complaint on March 14, 2024, that joined as plaintiffs the Commonwealth of Puerto Rico and the State of Vermont. Dkt. #170. The only changes in the Amended Complaint relate to this joinder.

6. Puerto Rico and Vermont are asserting the same claims against Amazon under Section 2 of the Sherman Act, 15 U.S.C. § 2, that were previously pleaded in Plaintiffs' initial Complaint by other Plaintiff States. *Id.*, Counts V and VI. Puerto Rico and Vermont are not asserting any new claims.

7. The parties stipulate as follows, subject to Court approval, and jointly request that the Court enter the following Order approving this Stipulation:

a. Amazon's motion to dismiss the Complaint, Dkt. #127, shall be deemed to be Amazon's motion to dismiss the Amended Complaint.

b. Plaintiffs' opposition to Amazon's motion to dismiss the Complaint, Dkt. #149, shall be deemed to be Plaintiffs' opposition to Amazon's motion to dismiss the Amended Complaint.

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- c. Amazon's reply in support of its motion to dismiss the Complaint, to be filed no later than March 22, 2024, shall be deemed to be Amazon's reply in support of its motion to dismiss the Amended Complaint.
- d. The inclusion of two additional parties changes the paragraph numbering from the original Complaint to the Amended Complaint. For ease of reference, all citations to paragraphs of the Complaint in the memoranda identified in paragraphs 7a to 7c, will be written as citations to the applicable paragraphs in the original Complaint.

Stipulated to and respectfully submitted this 18th day of March, 2024, by

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24 STIPULATED MOTION AND [PROPOSED]
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STIPULATED MOTION AND [PROPOSED]
ORDER TO SEAL PORTIONS OF THE
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1 [PROPOSED] ORDER
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IT IS SO ORDERED.

DATED this _____ day of _____, 2024.

JOHN H. CHUN
UNITED STATES DISTRICT JUDGE

Presented By:

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